

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

MAY 31 2007

STATE OF OKLAHOMA, ex rel.,
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION,

Plaintiff,

vs.

HOLLY TINA WELLS, R.C.
R.C. LICENSE NO. 2215,

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 07-05-3290

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Holly Tina Wells, R.C., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of respiratory care therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 2026 *et seq.*

2. Defendant, Holly Tina Wells, R.C., holds respiratory care license no. RC2215 in the State of Oklahoma.

3. On or about April 9, 2007, Defendant was stopped by the Broken Arrow Police Department for not having a license plate displayed. The police searched her car and arrested her for possessing almost one (1) gram of Methamphetamine, used smoking devices and a loaded semi-automatic pistol.

4. After her arrest, the police again questioned Defendant, at which time she admitted that she had been abusing Methamphetamine and that she had smoked Methamphetamine in her home just prior to leaving and being stopped by the Broken Arrow Police Department earlier that afternoon.

5. Broken Arrow Police subsequently obtained a search warrant for Defendant's home, where they found three (3) zip-top baggies of compressed marijuana, four (4) baggies containing crystal Methamphetamine, and a set of counter-balance scales with Methamphetamine residue.

6. As a result of the search warrant, Defendant was again arrested on April 9, 2007 and charged in the District Court of Wagoner County, State of Oklahoma in the case styled State of Oklahoma v. Holly Tina Wells, Case No. CF-07-00098A with **UNLAWFUL POSSESSION OF CONTROLLED DANGEROUS DRUGS WITH INTENT TO DISTRIBUTE, UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA, AND POSSESSION OF CONTROLLED DANGEROUS DRUGS WITHOUT AFFIXING APPROPRIATE TAX STAMP.**

7. Based on the allegations stated above, Defendant is guilty of unprofessional conduct in that she:

- A. Is guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board in violation of 59 Okla. Stat. §2040(9) and 435:45-5-3(24).
- B. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).
- C. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. Has violated any provision of the Respiratory Care Practice Act in violation of 59 O.S. §2040(8) and 435:45-5-3(21).
- E. Is habitually intemperate or addicted to any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of 435:45-5-3(1).
- F. Engaged in the unauthorized possession and use of illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed independent practitioner of the state of Oklahoma in violation of 435:45-5-3(2).
- G. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 Okla. Stat. §2040(2).

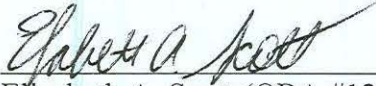
- H. Confessed to or pled no contest to a felony or a crime involving moral turpitude in violation of 435:45-5-3(5).
- I. Confessed to or pled no contest to a drug related offense in violation of 435:45-5-3(6).

8. These allegations raise serious concerns about Defendant's ability to practice as a respiratory therapist in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a respiratory care therapist in the State of Oklahoma.

Dated this 31st day of May, 2007.

Respectfully submitted,


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Oklahoma Board of Medical Licensure and
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